

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**DAVID BRUCE TAYLOR, #100533
(Martin Gonzalez, Jr, Roddick Johnson,
and Valentin Avelar)**

§

VS.

§

CIVIL ACTION NO. 6:21cv352

LARRY SMITH

§

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On December 2, 2021, the Magistrate Judge issued Reports and Recommendations (Docket Nos. 17, 18, and 19), recommending that Plaintiffs Martin Gonzalez, Jr., Roddick Johnson, and Valentin Avelar's claims be dismissed without prejudice for want of prosecution and failure to obey an order of the court.

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no Plaintiff filed objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d


1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Reports and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. The Court therefore adopts the Reports and Recommendations of the United States Magistrate Judge (Docket Nos. 17, 18, and 19) as the findings of this Court. Accordingly, it is hereby

ORDERED that the Magistrate Judge's Reports (Docket Nos. 17, 18, and 19) are **ADOPTED**. It is further

ORDERED that Plaintiffs Martin Gonzalez, Jr., Roddrick Johnson, and Valentin Avelar's claims are **DISMISSED WITHOUT PREJUDICE** for want of prosecution and failure to obey an order of the court.

So **ORDERED** and **SIGNED** this **2nd** day of **March, 2022**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE